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**AMENDMENTS TO ENGLISH AS THE
OFFICIAL LANGUAGE**

2001 GENERAL SESSION

STATE OF UTAH

Sponsor: Pete Suazo

This act modifies statutes governing the official state language. The act provides an exception for the Division of Indian Affairs and the State Ethnic Offices in communicating with the people they serve. The act makes technical corrections.

This act affects sections of Utah Code Annotated 1953 as follows:

AMENDS:

63-13-1.5, as enacted by The People Initiative A, November 7, 2000

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **63-13-1.5** is amended to read:

63-13-1.5. Official state language.

(1) English is declared to be the official language of Utah.

(2) As the official language of this state, the English language is the sole language of the government, except as otherwise provided in this section.

(3) Except as provided in Subsection (4), all official documents, transactions, proceedings, meetings, or publications issued, conducted, or regulated by, on behalf of, or representing the state and its political subdivisions shall be in English.

(4) Languages other than English may be used when:

~~[(1)]~~ (a) required by the United States Constitution, the Utah State Constitution federal law, or federal regulation~~[-]~~;

~~[(2)]~~ (b) required by law enforcement or public health and safety needs~~[-]~~;

~~[(3)]~~ (c) required by public and higher education systems according to rules made by the State Board of Education and the State Board of Regents to comply with Subsection (5)~~[-]~~;

~~[(4)]~~ (d) required in judicial proceedings, when necessary to insure that justice is served;

[5] (e) required to promote and encourage tourism and economic development, including the hosting of international events such as the Olympics; ~~and~~

[6] (f) required by libraries to:

[1] (i) collect and promote foreign language materials[:]; and

[2] (ii) providing foreign language services and activities[:]; or

(g) required for the Utah Division of Indian Affairs or the Ethnic Offices created by executive order and administered by the Department of Community and Economic Development to communicate with the people they serve.

(5) The State Board of Education and the State Board of Regents shall make rules governing the use of foreign languages in the public and higher education systems that promote the following principles:

[1] (a) non-English speaking children and adults should become able to read, write, and understand English as quickly as possible;

[2] (b) foreign language instruction should be encouraged[:];

[3] (c) formal and informal programs in English as a second language should be initiated, continued, and expanded[:]; and

[4] (d) public schools should establish communication with non-English speaking parents of children within their systems, using a means designed to maximize understanding when necessary, while encouraging those parents who do not speak English to become more proficient in English.

(6) Unless exempted by Subsection (4), all state funds appropriated or designated for the printing or translation of materials or the provision of services or information in a language other than English shall be returned to the General Fund.

[1] (a) Each state agency that has state funds appropriated or designated for the printing or translation of materials or the provision of services or information in a language other than English shall:

[1] (i) notify the Division of Finance that those monies exist and the amount of those monies[:]; and

[2] (ii) return those monies to the Division of Finance.

[2] (b) The Division of Finance shall account for those monies and inform the Legislature of the existence and amount of those monies at the beginning of the Legislature's

59 annual general session.

60 [~~(3)~~] (c) The Legislature may appropriate any monies received under this section to the
61 State School Board for use in English as a second language programs.

62 (7) Nothing in this section affects the ability of government employees, private businesses,
63 nonprofit organizations, or private individuals to exercise their rights under:

64 [~~(1)~~] (a) the First Amendment of the United States Constitution[:]; and

65 [~~(2)~~] (b) Utah Constitution, Article 1[:], Sections 1 and 15.

66 (8) If any provision of this section, or the application of any such provision to any person
67 or circumstance, is held invalid, the remainder of this act shall be given effect without the invalid
68 provision or application.

Legislative Review Note
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A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel